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each is truly limited in its sovereignty." The term "limited sovereignty" seems to have a peculiar fascination for him. In discussing the concurrent jurisdiction of the federal and commonwealth courts arising out of the character of the litigant parties, Mr. Chamberlain fails to appreciate the great work of the federal judiciary in reconciling the conflicting decisions of commonwealth tribunals and in giving us a national, common commercial law.

ROBERT WEIL.

The Origin and Growth of the English Constitution. By HANNIS TAYLOR. In Two Parts. Part I: *The Making of the Constitution.* Boston and New York, Houghton, Mifflin & Co., 1889. — 8vo, xl, 616 pp.

In this work an attempt is made "to draw out, within the limits of two octavo volumes, the entire historic development of the English constitutional system, and the growth out of that system of the federal government of the United States." The author considers that Kemble and Palgrave opened the path and Freeman and Stubbs made broad the highway to a scientific knowledge of English political history. From the mass of facts drawn by these scholars from the sources, it must be the labor of some one to make the broad generalizations which constitute the essence of philosophic history. To this task the author devotes himself, seeking with the aid of the historical method "to trace the mighty stream of Teutonic democracy from its sources in the village moots and state assemblies of Friesland and Sleswick across the Northern Ocean into Britain, and across the Atlantic into North America." This is doing for "Teutonic democracy" rather more than John Richard Green did for the English people; for though the latter writer started from the same nebulous neighborhood, he pursued his subject across only one ocean. It is easy to see that Mr. Taylor's unconcealed admiration for Professor Freeman has made him an ardent worshipper of Teutonism triumphant; and perhaps the highest praise that his work needs is that he does not allow his devotion to this idea to make him ridiculous.

The volume which has now appeared narrates the development of the English constitution until the era of the Lancastrians, when the author considers that the structure was complete in its essentials. Criticism of his facts is disarmed by the obvious and avowed dependence upon Freeman and Stubbs. His consultation of the sources, so far as the researches of his predecessors have ferreted them out and made them accessible, has been mainly in the way of verification. While his work, then, cannot be ranked with the profound and original productions on which he depends, it may challenge the appreciation due to a concise

and effective presentation of the substance of these earlier studies in a convenient and systematic form. The middleman has as distinct and useful a function in the dissemination of knowledge as in the distribution of material goods, and this function Mr. Taylor has excellently fulfilled. To the consumer who recoils before Bishop Stubbs' three volumes, the single volume before us will prove deservedly attractive. If any fault were to be found with Mr. Taylor's work, it would be that in the fascination which the subject exercises upon him he has allowed himself to follow his masters now and then too far into the realm of detail. A hundred pages might be eliminated without detriment to the professed plan of the book. Much of this superfluity is easily traced to the author's respect for the early Teutons and to the assumed necessity for believing that all that is valuable in the institutions of the United States originated in northwestern Germany.

In the introductory chapter is outlined the broad theory which it is the purpose of the book to illustrate. The chapter begins with the original Aryans and concludes with a discussion of the Slaughter House cases in the United States Supreme Court. Summarily, it outlines the doctrine which Freeman especially has developed, — that the great characteristics of the modern constitutional state are the principles of representation and local self-government; that these principles, so far as found in other modern states, have been borrowed from England; and that their existence in England is due entirely to the Teutonic element in the English state, by which element the ideas were imported into England from the continental homes of the invaders. Representation and local self-government alone make possible the free national state of to-day as contrasted with the free city-state of the ancient world, and each of these is a "Teutonic invention." There is much in this doctrine that is very attractive to the philosophical historian, and the labors of the great scholars who have wrought out its supports have won for the workers world-wide reputation and respect. But more or less discredit has been thrown upon the theory by the expressions of some of its over-enthusiastic admirers, who have not hesitated to proclaim that practically the whole fabric of modern civilization rests upon the simple fact that some half-savage villagers in Sleswick and Friesland used to send some of their number now and then to wrangle over neighborhood matters with their kinsmen from other villages.

A scientific appreciation of the elements of the English constitution will give great weight to the persistence of early Anglo-Saxon ideas; but it will not slight another most important consideration. The kingdom of England was not welded into unity, as sometimes seems to be assumed, by the mere agreement of petty autonomous states to coalesce. Force was the instrument of fusion, and the strong men who successfully

employed this means were not less animated by the imperial instinct than those who did similar work on the continent. The much-lauded Teutonic principle of local self-government, left to itself, would have maintained or still further subdivided the Heptarchy. Feudalizing particularism was practically triumphant in England when the strong family of the Bastard established a stern but wholesome central power. There was no federalism in the Norman principle; whatever the theory, that principle was in fact imperial; and as such it made England, as we know it, possible. This is the point which is apt to be slighted by the admirers of Teutonism, and it is this thought which must be carefully kept in mind by the reader of Mr. Taylor's book. It must be said, however, that the author's treatment of the Norman period and of the royal power as then established is in the main very fair and is certainly very interesting. The promise of ultra-Teutonism which appears in his introduction is scarcely fulfilled in the body of the work.

The grand divisions of the present volume are entitled "The Old-English Commonwealth," "The Norman Conquest" and "The Growth and Decline of Parliament." In the last section is given a summary and a prospective view, in which latter the second volume is outlined so far as it pertains to parliamentary history in England. What the author's views of the United States constitution are to be is not disclosed. The two volumes promise to form an exceedingly useful compendium of constitutional history. The value of the first for reference is much enhanced by an elaborate analysis of the contents. As to the general accuracy of Mr. Taylor's statements no fault can be found, though an inexcusable error appears on the fourth page. Aristotle is there made to express the opinion that "the state differs from the household only as to the number of its members." A little care would have revealed that Aristotle mentions this as a doctrine of certain philosophers (meaning Plato), declares it to be a false doctrine ("ταῦτα δ' οὐκ ἔστιν ἀληθῆ"), and enters into his famous analysis of the household to prove that it is false.

WM. A. DUNNING.

Speech before the Parnell Commission. By Sir CHARLES RUSSELL, Q.C., M.P. London and New York, Macmillan & Co., 1889. — xii, 615 pp.

Scientific treatment of a great public question can scarcely be looked for in the plea of an advocate; yet in this substantial volume, which contains Sir Charles Russell's opening speech for the defence, the student of Irish history may find invaluable material for the elucidation of existing problems. While it must be borne in mind that but one side of a great controversy is presented, immense aid is to be derived for com-